Smt. Guruta Vs. Bhupendra
S. B. Civil Misc. Transfer Petition No.17/2004

26.07.2004

Hon'ble Mr. Prakash Tatia,J.

Mr. Pawan Rankawat, for the petitioner.
Mr. Shambhoo Singh, for the respondent.

Heard learned counsel for the parties. Perused the facts of the case.

According to the petitioner, she is a lady and she has already filed an application for restitution of conjugal rights which is pending in the Family Court, Jodhpur and the respondent is attending the proceedings at Jodhpur itself. The respondent filed divorce petition which is pending in Family Court, Ajmer which is more than 200 kms. Away from Jodhpur.

It is also submitted that since the appellant is a lady and cannot attend the court proceedings at Ajmer and the respondent is already attending the proceedings at Family Court, Jodhpur, therefore, the divorce petition filed by the respondent in the Family Court, Ajmer may be transferred to the Family Court, Jodhpur so that both the proceedings may be taken together so as to avoid the conflicting judgments and orders and to advance the cause of justice by early disposal of the dispute between the parties.

The prayer of the petitioner appears to be just and proper in the facts of this case. Therefore, the divorce petition No.150/2004, filed by Bhupendra Chouhan against Smt. Guruta and pending in the Family Court, Ajmer is hereby withdrawn from that court and is transferred to the Family Court, Jodhpur for disposal and both the parties are directed to remain present in the Family Court, Jodhpur on 4.8.2004.

The transfer petition is, therefore, allowed. A copy of this order be sent to both the courts. The Family Court, Jodhpur is directed to decide the application filed by the petitioner under Order Section 9 of the Hindu Marriage Act and the divorce petition filed by the respondent Bhupendra may be decided expeditiously preferably within a period of one year.

[**Prakash Tatia**],**J.**

/skm/